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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 309  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Denson and Perales

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### SUMMARY

- Increases the penalty for assault when the victim is an operator of an Ohio transit system bus or rail car engaged in the operation of the bus or rail car at the time of the assault and whom the offender knows or has reasonable cause to know is such an operator.
- Authorizes a transit system to post a notice warning of the consequences of an assault on a transit system operator.
- Increases the penalty for evasion of a public transit system's fares.

### DETAILED ANALYSIS

#### Assault of bus or rail car operator

##### Level of offense

The bill increases the penalty for assault when the victim is an operator of an Ohio transit system bus or rail car or a contracted employee providing that service to an Ohio transit system whom the offender knows or has reasonable cause to know is such an operator or contracted employee engaged in the operation of an Ohio transit system bus or Ohio transit system rail car. Under current law, assault is generally a first degree misdemeanor, but the offense is a felony under specified circumstances. The bill makes assault a felony if (1) the victim is an operator of an Ohio transit system bus or rail car, or a contracted employee providing that service to an Ohio transit system, (2) the offender knows or has reasonable cause to know that the victim is one of those individuals, and (3) the victim is engaged in the operation of an Ohio transit system bus or rail car at the time of the assault.<sup>1</sup>

<sup>1</sup> R.C. 2903.13(C)(10).

Generally, under the bill, an assault of a bus or rail car operator is a fifth degree felony and the offender may be subject to an escalated fine of up to \$5,000. An offender may also be prohibited from riding any Ohio transit system bus or rail car for six months.<sup>2</sup>

The offense is a fourth degree felony under the bill if the offender has a prior conviction for an assault or homicide offense against an operator of an Ohio transit system bus or rail car or contracted employee providing that service to an Ohio transit system whom the offender knew or had reasonable cause to know was an operator or contracted employee and who was engaged in the operation of an Ohio transit system bus or rail car at the time of the offense. Prior assault or homicide convictions that trigger this escalation to a fourth degree felony are assault against a bus or rail car operator under the bill, aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, reckless homicide, felonious assault, aggravated assault, and negligent assault, if those offenses were committed against an operator of an Ohio transit system bus or rail car or contracted employee providing that service to an Ohio transit system whom the offender knew or had reasonable cause to know was an operator or contracted employee and who was engaged in the operation of an Ohio transit system bus or rail car at the time of the offense. The bill does not change the maximum fine that may be imposed (\$5,000), but it does authorize the court to impose a lifetime ban on riding a transit system bus or rail car.<sup>3</sup>

## **Misconduct involving a public transportation system**

Continuing law prohibits certain acts involving a public transit system, one of which is evading payment of the system's known fares. The bill raises the level of this offense from a fourth degree misdemeanor to a second degree misdemeanor.<sup>4</sup>

## **Posted notice**

The bill authorizes a transit system to post a notice containing, at a minimum, all of the following statements and information:

"WE WILL NOT TOLERATE any form of threatening or aggressive behavior toward our staff. Assaults against our staff might result in a felony conviction. All staff have the right to carry out their work without fearing for their safety."

The bill suggests that this notice, if posted, be posted in a conspicuous location in all of the transit system's buses and rail cars.<sup>5</sup>

## **Definitions**

The following definitions apply to the bill's provisions:

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<sup>2</sup> R.C. 2903.13(C)(10)(a) and 2929.18(A)(3)(e), not in the bill.

<sup>3</sup> R.C. 2903.13(C)(10)(b) and (D)(25) and R.C. 2929.18(A)(3)(d), not in the bill.

<sup>4</sup> R.C. 2917.41(A) and (F)(1).

<sup>5</sup> R.C. 306.20.

An **Ohio transit system bus** is a motor vehicle of an Ohio transit system that is designed for carrying more than nine passengers and used for the transportation of persons but does not mean any school bus.<sup>6</sup> **Motor vehicle** under the bill has the same meaning as in Ohio's Traffic Laws.<sup>7</sup>

An **Ohio transit system rail car** is a street rail car, tramline car, subway car, monorail car, or rapid transit car within a ground transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of an Ohio transit system.<sup>8</sup>

An **Ohio transit system** is a county transit system operated in accordance with state law, a regional transit authority operated in accordance with state law, a regional transit commission operated in accordance with state law, any municipally owned transportation system, and any mass transit company that operates exclusively within the territorial limits of a municipal corporation, or multiple immediately contiguous municipal corporations.<sup>9</sup>

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## HISTORY

Action	Date
Introduced	07-02-19

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H0309-I-133/ar

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<sup>6</sup> R.C. 2903.13(D)(21).

<sup>7</sup> R.C. 2903.13(D)(24), by reference to R.C. 4511.01, not in the bill.

<sup>8</sup> R.C. 2903.13(D)(22).

<sup>9</sup> R.C. 2903.13(D)(23), by reference to R.C. 2305.33, not in the bill.